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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/009,680

10/20/2001

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03/24/2008

EXAMINER

ROBINSON BOYCE, AKIBA K

ART UNIT

PAPER NUMBER

3628

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/009,680

**Applicant(s)**

HAUG, WERNER

**Examiner**

AKIBA K. ROBINSON BOYCE

**Art Unit**

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-5 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1 and 3-5 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Status of Claims***

1. Due to communications filed 9/30/05, the following is a final office action. Due to the petition decision filed 6/6/07, the previous abandonment filed 9/20/06 has been withdrawn, and the previous action will be re-issued with a new response period. Claim 1 has been amended. Claim 2 has been cancelled. Claim 1 and 3-5 are pending in this application and have been examined on the merits. The previous rejection has been maintained.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Otani et al (US 6,106094).

As per claim 1, Otani et al discloses:

Franking machine with at least one print head of an inkjet print mechanism for printing flat postal objects such as letters or postcards, (Col. 6, lines 59-64, shows printing head, and the evaluation of printed letters), insertable into or passing through the machine, (Abstract, lines 1-3, shows printer apparatus with an input unit for printing input data), comprised of a guide part, (Col. 4, lines 49-50, show paper conveying

portion constituted by a guide), and further relative to its jet a transport device for and oppositely positioned conveying rollers rotating about axes oriented transverse to the conveying direction, (Col. 4, lines 38-40, arranged so as to project about the print head, shows payer conveying unit conveys the printing paper beneath the printing heads, in this case, the paper conveying unit represents the transport device), wherein the transport device has two drive rollers connected driving connection with one another and forming together with the guide part a conveying path, which drive rollers, when viewed in the conveying direction, are arranged before and behind the print head, (Col. 18, lines 46-48, shows that each unit is constituted by a roller)...and which is reversibly liftable, (Col. 18, lines 35-37, shows a paper inversion unit for inverting the printing paper), wherein a sensing wheel (38, 119) is arranged between the drive rollers (32, 33; 127, 113) which sensing wheel is driven by the postal object passing along and is correlated with an encoding device (122) for the purpose of speed and position monitoring of a postal object to be transported, (col. 4, lines 48-52, shows paper conveying portion includes a sensor for detecting the position of the printing paper, and an encoder for detecting the sheet conveyance speed from the rotation speed of the roller), respectively, for controlling printing on a postal object. wherein the opening plane, having correlated therewith transporting the postal objects between encoding device (122) is connected to a control unit connected to a computer, (Col. 4, lines 52-58, shows control portion).

Otani et al does not specifically disclose a counter pressure roller arranged opposite thereto, respectively, which exerts a pressure against one drive roller or the

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postal object transported there between, however, this limitation is inherent with Otani et al since Otani et al does disclose feed rollers at each printing unit as disclosed above. In the printing art, feed rollers rotate around an axis that is transverse to the direction of travel of the item of mail in order to move the item of mail along a guide path, and pressure rollers are included with drive rollers in order to apply a counter pressure on the item of mail against the printer so as to increase the transfer of ink to the item of mail. In other words, if no pressure roller was included in Otani et al's invention, no printing would take place.

As per claim 3, Otani et al discloses:

wherein the sensing wheel (38, 119) is in drive connection with the drive roller (33, 113) arranged downstream in the conveying direction, (Col. 30, lines 5-11, shows that the printing regions of the printing heads continue with respect to a direction of a printing width which is perpendicular to a conveyance direction of the print medium, thereby meaning that printing length is going in the same direction as the conveying direction).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otani et al (US 6,106,094) as applied to claim 1 above, and further in view of Gilham (EP 0 376 575).

As per claims 4, 5, Otani et al does not specifically disclose wherein, laterally to the counterpressure roller 114) cooperating with the drive roller 113), a friction wheel (109) is provided which is concentric to and freely rotatably supported relative to the counterpressure roller and can be brought into drive connection by the counterpressure levers (6A, 6B; 120) with the drive roller (33, 113) which friction wheel drives a further friction wheel (126) by means of an intermediate gear formed of intermediate wheels, the further friction wheel being in drive connection with the sensing wheel/wherein the further friction wheel (126) is supported with the counterpressure roller (115, 114) on a multi-part lever (101) and is movable against the sensing wheel (38, 119) counter to a spring force, however does disclose a printer apparatus for successively printing input data at a high speed having an input unit in the abstract, lines 1-2, that includes a paper conveying portion constituted by a roller and guide for feeding the printing paper in col. 4, lines 48-49.

However, as taught by Gilham, the conveyor portion would contain at least two conveyor rollers that rotate around an axis that is transverse to the direction of travel of the item of mail in order to move the item of mail along a guide path and would include a pressure roller located opposite of the printer in order to apply a counter pressure on the item of mail against the printer so as to increase the transfer of ink to the item of mail,

as demonstrated in col. 3, lines 21-27, where it discloses an impression roller together with feed rollers that feed the tape past the print head.

However, in regard to the structure use in claims 4 and 5 to provide the counter pressure, since it is noted that, items of mail may not be the same thickness, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the system of Otani et al as interpreted by Gilham to use a friction wheel/a further friction wheel by means of an intermediate gear formed of intermediate wheels/a multi-part lever movable against the sensing wheel counter to a spring force, with the motivation of using any suitable structure that would have some flexibility in applying a constant counter pressure against the printer regardless of the thickness of an item of mail, such as friction rollers, lever and spring, absent applicant's showing of new and unexpected results from a particular structural arrangement.

### ***Response to Arguments***

6. Applicant's arguments filed 9/30/05 have been fully considered but they are not persuasive. The applicant argues that Otani et al merely discloses a printing device for reproducing printed information with a printer which, compared to the franking machine according to the present invention as claimed, does not have the functional prerequisites and the necessary structural means, which, in turn, (according to the applicant) means that the reference is clearly directed to a device of a type different from that of the present invention as claimed. However, as described above in the rejection, all of the functional prerequisites/structural means are included in Otani et al as shown in detail in the 102 rejection. The means not included in the Otani et al

reference (a friction wheel/a further friction wheel by means of an intermediate gear formed of intermediate wheels/a multi-part lever movable against the sensing wheel counter to a spring force) is shown as obvious when combined with the Gilham (EP 0 376 575) reference as disclosed above in the rejection.

For the reasons stated above, the previous rejections have been maintained.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for



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the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

•Patent Application Information Retrieval (PAIR) system, Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.  
March 28, 2008

/Akiba K Robinson-Boyce/

Primary Examiner, Art Unit 3628